

BEFORE THE ARIZONA BOARD OF OSTEOPATHIC EXAMINERS
IN MEDICINE AND SURGERY

IN THE MATTER OF:)	Case No.: 3464
)	
VINCENT R. FORSHAN, D.O.)	FINDINGS OF FACT,
Holder of License No. 3513)	CONCLUSIONS OF LAW
)	AND ORDER FOR DECREE OF
For the practice of osteopathic medicine in the)	CENSURE
State of Arizona)	
)	
)	

On December 3, 2004, the AZ Board of Osteopathic Examiners (hereafter "Board") notified Vincent R. Forshan, D.O. (hereafter "Respondent") of a complaint initiated by the Board. The Board received the Respondent's answer to this complaint December 27, 2004 and a supplemental response on March 28, 2005.

On April 20, 2005, the Respondent was notified that the complaint would be reviewed on the Board's May 7, 2005 agenda and that he had the right to attend that meeting. Respondent did not appear in person or through counsel at this meeting.

At their meeting on May 7, 2005, the Board reviewed the complaint and voted to invite Respondent to participate in an investigative hearing on the matter. The initial investigative hearing was originally scheduled for December 10, 2005, at 9535 E. Doubletree Ranch Rd., Scottsdale AZ 85258.

On May 13, 2006 the Board conducted an investigative hearing. Respondent was present and represented by his legal representative, Calvin Raup.

After hearing testimony and considering the documents submitted, the Board voted to enter the following Findings of Fact and Conclusions of Law, and Order of Censure.

JURISDICTIONAL STATEMENTS

1. The Board is empowered, pursuant to A.R.S. § 32-1800 et seq., to regulate the practice of osteopathic medicine in the State of Arizona, and the conduct of the persons licensed,

1
2 registered, or permitted to practice osteopathic medicine in the State of Arizona.

3 2. Respondent is the holder of License No. 3515 issued by the Board for the practice
4 of osteopathic medicine in the State of Arizona.

5 **FINDINGS OF FACT**

6 1. On or between August 7, 2004 and September 29, 2004, the Respondent wrote
7 prescriptions for controlled substances for SL and KL without conducting complete physical
8 examinations:

9 (a) On August 7, 2004, the Respondent wrote a prescription for Xanax 0.5mg
10 #60 and Percocet 7.5/325 #30 for patient SL.

11 (b) On September 3, 2004, the Respondent wrote a prescription for Percocet
12 7.5/325 #40 and a Medrol dosepak for patient SL.

13 (c) On September 14, 2004, the Respondent wrote a prescription for Percocet
14 7.5/325 #30 for patient SL.

15 (d) On September 22, 2004, the Respondent wrote prescription for Percocet
16 7.5/325 #40 for patient SL.

17 (e) On September 29, 2004, the Respondent wrote a prescription for Percocet
18 7.5/325 #40 for patient KL.

19 2. In the course of completing the Investigative Hearing on May 13, 2006, the
20 Respondent testified that he did not make any patient record for SL and KL between the dates
21 referenced above.

22 3. In the course of completing the Investigative Hearing on May 13, 2006, the
23 Respondent testified that the above referenced prescriptions were written based upon "sidewalk"
24 consultations with patient SL & KL.
25

26 **CONCLUSIONS OF LAW**

27 1. The conduct described in Findings of Fact 1 through 3 herein constitutes
28 unprofessional conduct as defined at A.R.S. § 32-1854 (21) (a), which states, "Failing or refusing
29 to establish and maintain adequate records on a patient as follows: If the patient is an adult, for at
30 least seven years after the last date the licensee provided the patient with medical or health care
31 services."

2. The conduct described in Findings of Fact 1 through 3 herein constitutes unprofessional conduct as defined at A.R.S. § 32-1854 (36), "Prescribing or dispensing controlled substances or prescription-only medications without establishing and maintaining adequate patient records."

3. The conduct described in Findings of Fact 1 through 3 herein constitutes unprofessional conduct as defined at A.R.S. § 32-1854 (48), "Prescribing, dispensing or furnishing a prescription medication or a prescription-only device to a person if the licensee has not conducted a physical examination of that person or has not previously established a physician-patient relationship. This paragraph does not apply to emergencies."

ORDER

Pursuant to the authority vested in the Board,

1. **IT IS HEREBY ORDERED** that Vincent R. Forshan, Holder of osteopathic medical License number 3513, is issued a **DECREE OF CENSURE** pursuant to the provisions of A.R.S. § 32-1855 (E)(4).



ISSUED THIS 22nd DAY OF MAY 2006.

ARIZONA BOARD OF OSTEOPATHIC EXAMINERS

By:

Jack Confer, Executive Director

NOTICE OF RIGHT TO REQUEST REVIEW OR REHEARING

You have the right to request a rehearing or review of this matter pursuant to A.R.S. § 41-1092.09. The request for rehearing or review must be filed with the Arizona Board of Osteopathic Examiners within thirty (30) days. If you request a review or rehearing, you must base your request on at least one of the eight grounds for review or rehearing that are allowed under A.A.C. R4-22-106(D). Failure to file a motion for rehearing or review within 30 days has the effect of prohibiting you from seeking judicial review of the Board's decision in the AZ Courts.

1 Original "Findings of Fact, Conclusions
2 of Law and Order for Decree of Censure"
filed this 26th day of May, 2006 with the:

3 Arizona Board of Osteopathic Examiners
4 In Medicine and Surgery
9535 East Doubletree Ranch Road
5 Scottsdale AZ 85258-5539

6 Copy of the foregoing "Findings of Fact,
7 Conclusions of Law and Order for Decree
of Censure" send by certified mail, return
8 receipt requested this 26th day of May, 2006 to:

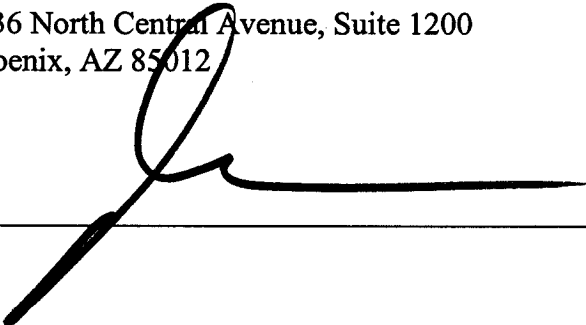
9 Vincent R. Forshan, D.O.
11711 E. Del Timbre Drive
10 Scottsdale, AZ 85259

11 Copies of the foregoing "Findings of Fact,
12 Conclusions of Law and Order for Decree
of Censure" sent via regular mail this 26th
13 day of May, 2006 to:

14 Blair Driggs, AAG
Office of the Attorney General CIV/LES
1275 West Washington
15 Phoenix AZ 85007

16 Calvin Raup, Esquire
17 One Columbus Plaza
3636 North Central Avenue, Suite 1200
18 Phoenix, AZ 85012

19
20
21
22
23
24
25

A handwritten signature in black ink, appearing to be "Calvin Raup", is written over a horizontal line. The signature is stylized with a large loop and a long horizontal stroke extending to the right.